

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 110
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 8, 2013, with recommendation that the Senate Committee Substitute do pass.

0039S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof four new sections relating to the selection of public officials, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 473.730, 473.733, and 473.737, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 26.226,
3 473.730, 473.733, and 473.737, to read as follows:

**26.226. In case of death, resignation, removal from office,
2 conviction after impeachment, or vacancy from any cause in the office
3 of lieutenant governor, the office of the lieutenant governor shall
4 remain vacant for the remainder of the term in which such vacancy
5 occurred and until the successor is elected, commissioned, and
6 qualified. In the case of impeachment, the office shall remain vacant
7 until such impeachment is determined. If acquitted, the lieutenant
8 governor shall be reinstated in office. During any period of time when
9 the office of lieutenant governor is vacant, the chief administrative
10 assistant of the vacating lieutenant governor shall perform all
11 ministerial duties during the period of such vacancy but shall under no
12 circumstances perform any official duty including, but not limited to,
13 any duty as president of the senate.**

473.730. 1. Every county in this state, [and] **except** the city of St. Louis,
2 shall elect a public administrator at the general election in the year 1880, and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 every four years thereafter, who shall be ex officio public guardian and
4 conservator in and for the public administrator's county. A candidate for public
5 administrator shall be at least twenty-one years of age and a resident of the state
6 of Missouri and the county in which he or she is a candidate for at least one year
7 prior to the date of the general election for such office. The candidate shall also
8 be a registered voter and shall be current in the payment of all personal and
9 business taxes. Before entering on the duties of the public administrator's office,
10 the public administrator shall take the oath required by the constitution, and
11 enter into bond to the state of Missouri in a sum not less than ten thousand
12 dollars, with two or more securities, approved by the court and conditioned that
13 the public administrator will faithfully discharge all the duties of the public
14 administrator's office, which bond shall be given and oath of office taken on or
15 before the first day of January following the public administrator's election, and
16 it shall be the duty of the judge of the court to require the public administrator
17 to make a statement annually, under oath, of the amount of property in the public
18 administrator's hands or under the public administrator's control as such
19 administrator, for the purpose of ascertaining the amount of bond necessary to
20 secure such property; and such court may from time to time, as occasion shall
21 require, demand additional security of such administrator, and, in default of
22 giving the same within twenty days after such demand, may remove the
23 administrator and appoint another.

24 2. The public administrator in all counties, in the performance of the
25 duties required by chapters 473, 474, and 475, is a public officer. The duties
26 specified by section 475.120 are discretionary. The county shall defend and
27 indemnify the public administrator against any alleged breach of duty, provided
28 that any such alleged breach of duty arose out of an act or omission occurring
29 within the scope of duty or employment.

30 3. After January 1, 2001, all salaried public administrators shall be
31 considered county officials for purposes of section 50.333, subject to the minimum
32 salary requirements set forth in section 473.742.

33 **4. The public administrator for the city of St. Louis shall be**
34 **appointed by a majority of the circuit judges and associate circuit**
35 **judges of the twenty-second judicial circuit, en banc. Such public**
36 **administrator shall meet the same qualifications and requirements**
37 **specified in subsection 1 of this section for elected public**
38 **administrators. The elected public administrator holding office on the**

39 **effective date of this section shall continue to hold such office for the**
40 **remainder of his or her term.**

473.733. The public administrator's certificate of election, **if applicable**,
2 official oath and bond shall be filed and recorded with the probate clerk, and
3 copies thereof, certified under the seal of such court, shall be evidence. Any
4 person injured by the breach of such bond may sue upon the same in the name
5 of the state for his own use.

473.737. 1. Each public administrator elected **or appointed**, as now or
2 as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be
3 an officer for the county in which such administrator is elected [and for the city
4 of St. Louis, if elected therein] **or appointed**. The county commissions of each
5 county in this state shall make suitable provision for an office for the public
6 administrator in the courthouse of the county if suitable space may be had for
7 such an office, and shall be provided as soon as the county commission shall be
8 of the opinion that the business in charge of the public administrator is such as
9 to reasonably require a separate office for the convenience of the public. The
10 public administrator of the city of St. Louis shall have suitable and convenient
11 offices provided for him or her in the civil courts building by that city.

12 2. Each public administrator of a county, except a county of the first
13 classification having a charter form of government, in which a state mental
14 hospital is located, or any county of the second classification which contains a
15 habilitation center operated by the department of mental health and which does
16 not adjoin a county of the first classification shall be entitled to one secretary for
17 one hundred cases or more handled by the office of the public administrator in
18 the immediately preceding calendar year. Each secretary employed pursuant to
19 the provisions of this subsection shall be paid in the same pay range as a court
20 clerk II in the circuit court personnel system. All compensation paid secretaries
21 employed pursuant to the provisions of this subsection shall be paid out of the
22 county treasury and the commissioner of administration shall annually reimburse
23 each county for the compensation so paid upon proper demand being made out of
24 appropriations made for that purpose. The public administrator in such counties
25 may also appoint a person to act as public administrator to serve during the
26 absence of the public administrator.

27 3. The governing bodies of each county and each city not within a county
28 of this state may provide clerical personnel, not qualifying as status of deputy,
29 for the public administrator of the county, and such personnel shall be provided

30 when the governing body is of the opinion that the business in charge of the
31 public administrator is such as to reasonably require such personnel for the
32 welfare of the public.

Section B. Because of the need to determine how to fill a vacancy in the
2 office of lieutenant governor, the enactment of section 26.226 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the enactment of section 26.226 of this act shall be in full force
6 and effect upon its passage and approval.

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